UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY WOODS, an
individual,

Plaintiff, Case No. 1:16-cv-______

vs.

PROGRESSIVE INSURANCE CO.,
a corporation,

Defendant.

William F. Piper (P38636)
William F. Piper, PLC.
Attorney for Plaintiff
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COMPLAINT

The plaintiff Mary Woods, by and through her attorney William F. Piper, PLC., for her complaint, states as follows:

JURISDICTIONAL ALLEGATIONS

1. The plaintiff Mary Woods is an individual who resides in the City of Portage, County of Kalamazoo, State of Michigan, and she resided therein at all times relevant to this complaint.

2. The defendant Progressive Insurance Co. is a corporation that did business in the County of Kalamazoo at all times relevant to this complaint.

3. The defendant at all times relevant to this complaint was subject to the requirements of the Americans With Disabilities Act, 42 U.S.C. §12101 et. seq. and 42 U.S.C. §1981a, and the Family and Medical Leave Act, 29 U.S.C. §2601 et, seq,

4. This court has jurisdiction under 28 U.S.C. §1331 and 28 U.S.C. §1343.

5. This case arises out of the defendant's termination of Ms. Woods' employment by it in May 2016.

6. The Equal Employment Opportunity Commission issued a Right to Sue letter to Ms. Woods dated January 13, 2017.

COMMON ALLEGATIONS

7. The plaintiff restates and realleges as though fully set forth herein paragraphs 1-6 of this complaint.

8. Ms. Woods began working for the defendant in April 2001 as a claims representative.

9. At all times that she worked for the defendant she did an excellent job for it.

10. In late June 2011, Ms. Woods began having problems with her colon.

11. From 2011 through 2015 Ms. Woods had 9 surgeries on her colon, and she had to miss about a year from work for that and to recover from that.

12. In May 2014 Ms. Woods had surgery to remove her colon or related to the removal of it, and she had blockages after that.

13. Ms. Woods also had surgery on a torn labrum after an automobile accident in late 2014, and she missed time from work for that as well.

14. Ms. Woods used leave under the Family and Medical Leave Act for the time she had to miss from work.

15. Ms. Woods returned from a leave under the FMLA in June 2015 with a restriction of not climbing ladders.

16. Before a hospitalization Ms. Woods' supervisor Steve Gose told her that she was using her illness as a crutch.

17. After she returned to work in August 2015, Ms. Woods' managers harassed her in ways they had not before, and they made her cry.

18. The defendant complained that Ms. Woods could not climb a ladder.

19. Ms. Woods had always received a raise, but from the beginning in 2012, the defendant did not give her raises.

20. In May 2016 the defendant terminated Ms. Woods' employment for allegedly violating property rights of a customer.

21. The reason the defendant gave for terminating Ms. Woods' employment was false and otherwise pretextual.

22. The defendant had never formally disciplined Ms. Woods before terminating her employment.

23. As a result of the discriminatory and retaliatory termination set forth above, Ms. Woods has suffered and will continue to suffer a loss of income and benefits, emotional distress, anxiety, a loss of enjoyment of life, and other consequential damages.

COUNT I – DISABILITY DISCRIMINATION

24. The plaintiff restates and realleges as though fully set forth herein paragraphs 1-23 of this complaint.

25. The defendant terminated Ms. Woods because of her disability.

26. As a result of the discriminatory termination and refusal to continue to accommodate set forth above, Ms. Woods has suffered and will continue to suffer the damages set forth above.

27. These claims are actionable under the Americans With Disabilities Act, 42 U.S.C. §12101 et. seq. and 42 U.S.C. §1981a and Persons With Disabilities Civil Rights Act, MCL 37.1101 et. seq.

WHEREFORE, the plaintiff requests a judgment against the defendant that would include appropriate equitable relief, including instatement or front pay; appropriate legal relief, including compensation for her loss of income and benefits that she suffered and that she will suffer in the future; compensation for all intangible damages she suffered in the past and that she will suffer in the future; punitive damages; and all recoverable interest, attorney's fees and any other relief this court deems fair and just.

COUNT II - FMLA VIOLATIONS

28. The plaintiff restates and realleges as though fully set forth herein paragraphs 1-27 of this complaint.

29. The defendant retaliated and discriminated against Ms. Woods because of her use and attempted use of leave under the FMLA by terminating her employment by it.

30. As a result of the wrongful termination set forth above in violation of the FMLA, Ms. Woods has suffered and will continue to suffer the damages set forth above.

WHEREFORE, the plaintiff requests a judgment against the defendant in an amount equal to any wages, salary, employment benefits, interest and any other compensation denied or lost to her by reason of the defendant's violations of the FMLA; an additional amount as liquidated damages equal to the sum of any lost wages, salary, employment benefits and any other compensation and interest; compensation for all future economic damages, any equitable relief that may be appropriate, including front pay; and all attorney's fees, costs and any other relief this court deems fair and just.

Dated:March 28, 2017

William F. Piper, PLC.
Attorney for Plaintiff

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